

Election

Applicants elect the claims of Invention I (Claims 1-11 and 15-21). The remaining non-elected claims (12-14 and 22-24) are to be held in abeyance until final disposition of the elected claims.

Rejection under 35 USC 102

Claim 1 is rejected under 35 USC 102(a) as being anticipated by EP 1035163 (EP '163). EP '163 discloses starch compositions comprising starch, a polymer that is substantially compatible with starch and has a weight-average molecular weight of at least 500,000 such that the polymer forms effective entanglements or associations with neighboring starch molecules, and preferably at least one additive to improve melt flow and melt processability. (abstract) EP '163 discloses that the high molecular weight polymers suitable for use should have a weight-average molecular weight of at least 500,000 and most preferably from about 2,000,000 to about 15,000,000. The high molecular weight polymers are preferred due to the ability to simultaneously interact with several starch molecules, thereby increasing extensional melt viscosity and reducing melt fracture. (page 5, paragraph 0030). EP '163 teaches away from the present invention which requires a composition comprising destructurized starch, a biodegradable thermoplastic polymer having a molecular weight of less than about 500,000 g/mol, and a plasticizer. The polymers suitable for use in EP '163 are not polymers suitable for use in the present invention due to the difference in molecular weights.

Rejection under 35 USC 103

Claims 1-11 and 15-21 are rejected under 35 USC 103(a) as being unpatentable over EP 1035163 in view of Bertrand et al. As discussed above, EP '163 teach away from the use of polymers having a molecular weight of less than about 500,000 as claimed in the present invention. Therefore, one having ordinary skill in the art would not have been motivated to combine the teachings of EP '163 with the lactic acid disclosed in Bertrand et al.

CONCLUSION

Applicants have made an earnest effort to distinguish the claimed invention from the applied documents. Reconsideration of this application in view of the remarks provided and allowance of Claims 1-11 and 15-21 are requested. In the event that issues remain prior to allowance of the pending claims, the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

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